

To FCC Commissioners
RE: FCC Docket 02-277



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Honorable FCC Commissioners,

Please note that the massive loss of listenership, jobs and innovative programming began evaporating following the 1996 Telecom Act.

This is due to the fact that people listen to the radio for CONTENT and not for commercials, underwriting announcements or to fatten the stock owners pockets.

CONTENT is created by PEOPLE who are COMPETING. The 1996 Telecom act destroyed those jobs by allowing massive consolidation.

There is a good reason that the America Ideal is about competition, meritocracy and the freedom to create a better mousetrap. That better mousetrap may require building another radio station, another alternate channel. This is why there was such huge and widespread *popular* support for LPFM from all parts of the US political and cultural spectrum. This is why the biggest defender of LPFM in the Senate was John McCain. This is why the FCC acknowledges that in 1997 there were 13,000 requests for information on how to start a new radio station. This and massive historic loss of listenership belies the statement of the NAB that most people are satisfied with their radio programming choices.

Unfortunately, the LPFM struggle shows how the National Association of Broadcasters is not about those venerated American ideals. The NAB instead carries forth the ancient tradition of the Trade Guilds to restrict entry into the marketplace for services they control under the thin disguise of alleged concern about "quality".

In light of their behavior on LPFM, NAB comments (Jan 2, 2003, page ii on docket 02-277) are especially ironic, "the Commission should now structure its local ownership rules so that traditional broadcasters and newer programming distributors can all compete on an equitable playing field."

Since when in US or world history has developing monopolies created equitable playing fields?

Everyone knows darn well that LPFM transmitters are nothing but lower powered translator transmitters that are specifically designed for local-only ownership and program origination. And yet the NAB did NOT call for a similar standards for translators that they called on LPFM to meet.

There is a solid reason the FCC created as the central core of LPFM a requirement for local ownership, programming and control. Competition and localism suffer when massive institutions are allowed to pipe in canned programming from thousands of miles away. Even public safety can suffer when there is no local staff to ensure that local weather and possible disasters due to nature or terrorism get coverage.

When IBOC-DAB was voted on, the FCC staff and Commissioners have all admitted that IBOC-DAB will cause measurable interference.

Thus any ownership restriction plans and studies should take into consideration that there will be a potentially large decrease in real competition due to IBOC-DAB jamming stations that USED to provide competition for listeners outside their protected contours.

When a local radio station in Richmond, Va. bowed to Theocratic Political efforts to remove (censor) Howard Stearn, the Norfolk broadcaster of Howard Stearn earned a three share rating IN RICHMOND. Norfolk is almost 100 miles away !! Experience with IBOC-DAB in Virginia shows that Richmond residents may lose between a third and half of the stations we are now accustomed to hearing We hereby refer into this docket all relevant VCPP arguments in Docket 99-325 vis-à-vis interference potential of IBOC-DAB.

That is a massive loss of competition even without ANY ownership restriction relaxation! Is this the “equitable playing field” that the NAB has in mind? After a corporation owns three or four of the country or R&B or Christian Contemporary stations, is there any point in owning more other than to decrease competition? Clear Channel Communications Inc. already owns those stations in Richmond that account for about 80% of the listenership. Don’t let Clear Channel snow you into thinking there is so much room for more consolidation because Clear Channel “only” owns 10% of the stations!

The FCC staff and Commissioners have all admitted that IBOC-DAB will cause measurable interference. The FCC staff and Commissioners have acknowledged that this interference may result in massive destruction of a station’s bottom line by stating openly that users of IBOC-DAB must work with other users of the spectrum (both broadcasters and listeners as well as Subcarrier leasers) up to and including potentially being required to discontinue IBOC-DAB broadcasts!

THUS we argue that there should be NO FURTHER OWNERSHIP RESTRICTION RELAXATIONS UNTIL SEVERAL YEARS AFTER 100% ROLLOUT OF IBOC-DAB HAS SHOWN US HOW MUCH TECHNOLOGY ALONE WILL DESTROY COMPETITION.

Sincerely, Christopher Maxwell
Secretary, Virginia Center for Public Press